

REMARKS

In view of the following remarks, Applicant requests favorable reconsideration and allowance of the above-identified application.

Claims 84-93 remain pending in this application, with Claim 84 being the sole independent Claim.

Claims 85-93 stand rejected under the judicially created doctrine of double patenting over Claims 81-84 of U.S. Patent No. 6,020,894 (Silverbrook). However, Applicant notes that the Office Action quotes the statutory provision for double patenting, before rejecting the claims under non-statutory double patenting. Applicant believes that the quotation of the statutory basis for double patenting was unintended and that statutory double patenting would be inappropriate in this situation given that the cited claims of the Silverbrook patent are directed to an apparatus, while the claims of the present application are directed to a method.

As regards non-statutory double patenting, Applicant understands that such a rejection can be overcome by filing a terminal disclaimer. Accordingly, Applicant requests that this rejection be held in abeyance until the Examiner deems that there is subject matter in the present application allowable over the prior art. At that time, Applicant will be better able to assess whether the claims as then pending are sufficiently distinguishable from the claims

of the Silverbrook patent, or whether a terminal disclaimer is necessary.

Claims 84-93 stand rejected under 35 U.S.C. § 103 over U.S. Patent No. 4,679,038 (Bantz, et al.). Applicant traverses this rejection.

As recited in independent Claim 84, Applicant's invention is directed to a method of creating an image characterized in that the image is formed as a plurality of bands, in which multiple passes over the bands are used to manipulate the image. The bands are stored as compressed image data.

The Bantz, et al. patent is directed to a band buffer display system. The Office Action acknowledges that the Bantz, et al. patent does not explicitly teach that data stored in bands are compressed, but asserts that image memory 102 of that patent suggests that a method such as compression could be used.

Applicant disagrees that image memory 102, as described in the Bantz, et al. patent, suggests the concept of size reducing image data as in the present invention. That patent clearly describes that the size of each band is  $(N/k) \times M$  pixels (col. 7, line 68) and that "the full screen of  $N \times M$  pixels is built up sequentially in  $k$  bands of  $(N/k) \times M$  pixels each" (col. 7, lines 37-38). Accordingly, the bands described in the Bantz, et al. patent are each  $1/k$  of the original pixel size of the image, and thus not compressed to a smaller size.

In addition, the band buffer of the system in the Bantz, et al. patent is loaded in parallel from image memory 102 and character generator 103, with the transfer to the band buffer from the image memory appearing to be similar to a DMA (Direct Memory Access) memory-to-memory move operation (see col. 7, lines 40-43; and col.8, line 66, to col. 9, line 2). This type of memory transfer is a standard computer process that allows memory transfer without intervention by a CPU. (A discussion of DMA is provided in "Computer Architecture, a Quantitative Approach," by Hennessy, et al., a copy of the relevant pages of which is enclosed for the Examiner's convenience.)

In contrast with a DMA process, compression of image data involves altering data into a form which, of itself, is not able to be displayed. Compressed data must be decompressed to provide image data that may be used to actually display an image. This requires CPU intervention. By using a DMA-type process, the system described in the Bantz, et al. patent does not suggest the CPU intervention that would be used to handle image compression.

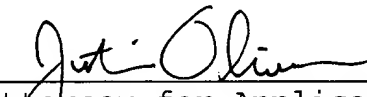
Also, Applicant submits that the Bantz, et al. patent teaches away from the compression of image data. Specifically, that patent states that the disclosed invention "is based on the concept of a repetitious copy operation, done at full refresh rates, from an image memory to a band buffer" (col. 8, lines 19-22). Any compression or decompression of image data would impede the ability of the

system in the Bantz, et al. patent to provide a copy operation at full refresh rates. Thus, Applicant submits that one of ordinary skill in the art would not be motivated to include a compression feature with the system described in the Bantz, et al. patent.

Accordingly, Applicant believes that the assertion in the Office Action that compressing data, while not discussed in the patent, is suggested in the Bantz, et al. patent is incorrect, and requests withdrawal of the rejection under 35 U.S.C. § 103 over that patent.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicant  
Registration No. 44,986

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

JJO/tmm